

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Tether and Bitfinex Crypto Asset Litigation

No. 19 Civ. 9236 (KPF)

DECLARATION OF NATASCHA BORN

I, Natascha Born, declare as follows:

1. I am an attorney at the law firm Debevoise & Plimpton LLP, counsel for Defendants iFinex Inc., BFXNA Inc., BFXWW Inc., Tether Holdings Limited, Tether Limited, Tether Operations Limited, Tether International Limited, DigFinex Inc., Ludovicus Jan van der Velde, and Giancarlo Devasini (collectively, the “B/T Defendants”). I am duly admitted to practice before this Court.

2. I submit this declaration on personal knowledge and on the record of this litigation, in support of the B/T Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for Leave to Amend.

3. Attached as Exhibit A is a true and correct copy of an email from Abby F. Rudzin to Philippe Selendy et al. dated October 27, 2020, attaching the September 5, 2020 declaration of the individual known in this litigation as the Anonymous Trader and the exhibits thereto, which were previously filed under seal in this litigation at Dkt. No. 190.

4. Attached as Exhibit B is a true and correct excerpt from the Transcript of the Deposition of the Anonymous Trader, dated September 10, 2023.

5. Attached as Exhibit C is a true and correct copy of the New York Attorney General's Settlement Agreement relating to Bitfinex and Tether, dated February 18, 2021, available at https://ag.ny.gov/sites/default/files/2021.02.17_-_settlement_agreement_-_execution_version.b-t_signed-c2_oag_signed.pdf.

6. Attached as Exhibit D is a true and correct copy of the Commodity Futures Trading Commission's "Order Instituting Proceedings Pursuant to Section 6(c) and (d) of the Commodity Exchange Act, Making Findings, and Imposing Remedial Sanctions," relating to Tether, dated October 15, 2021, available at <https://www.cftc.gov/media/6646/enftetherholdingsorder101521/download>.

7. Attached as Exhibit E is a true and correct copy of the Commodity Futures Trading Commission's "Order Instituting Proceedings Pursuant to Section 6(c) and (d) of the Commodity Exchange Act, Making Findings, and Imposing Remedial Sanctions," relating to Bitfinex, dated October 15, 2021, available at <https://www.cftc.gov/media/6651/enfbfxnaincorder101521/download>.

8. Attached as Exhibit F is a true and correct copy of the Complaint filed in *Anderson et al v. Tether Holdings Limited et al.*, Case No. 1:21-cv-10613-LTS, on December 10, 2021.

9. Attached as Exhibit G is a true and correct copy of the "Initial Exchange Offering of LEO Tokens For Use on iFinex Trading Platforms, Products, and Services," dated May 8, 2019, available at <https://www.bitfinex.com/wp-2019-05.pdf>.

10. Attached as Exhibit H is a true and correct copy of a portion of an exchange between the Anonymous Trader, Giancarlo Devasini, Paolo Ardoino, and Claudia Lagorio dated February 12-14, 2018, which has been excerpted from the document produced in this matter with the Bates stamp Bitfinex_Tether_1017968.

11. Attached as Exhibit I is a true and correct copy of the Transcript of the Deposition of Pinchas Goldshtein, dated September 8, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on this 8th day of December 2023.

DEBEVOISE & PLIMPTON LLP

By: /s/ Natascha Born
Natascha Born